

REMARKS

Claims 1, 3-6, 8-11 and 13-15 are pending upon entry of this amendment. Claims 1, 6 and 11 have been amended. No new matter has been presented.

Claims 1, 3-6, 8-11 and 13-15 are rejected under 35 USC 101 as being directed to non-statutory subject matter. The Examiner asserts that the claims are drawn to a software procedure. Applicants respectfully disagree.

Amended claim 1 the claimed features being “executed by a processor” and as such is tied to a particular machine or apparatus. Similarly, claims 6 and 11, as amended, recite the claimed steps being executed by a processor. Thus, claims 1, 6 and 11 are directed to statutory subject matter. See *In re Bilski*, 545 F.3d 943, 88 U.S.P.Q.2d 1385 (Fed. Cir. 2008). Dependent claims 3-5, 8-10 and 13-15 are similarly directed to statutory subject matter. Withdrawal of this rejection is respectfully requested.

Claims 1-15 are rejected under 35 USC 103(a) as being unpatentable over Murahashi, U.S. Patent No. 5,864,652. This rejection is respectfully traversed.

Claim 1 recites a “judging unit, executed by the processor, configured to monitor an operating status of said processing unit to judge whether said operating status satisfies a predetermined compression process execution condition ... wherein the judging unit is configured to judge said compression process execution condition as being satisfied when said processor is not executing any of a plurality of predetermined processes or is executing a predetermined combination of one or more processes selected from said plurality of predetermined processes, said plurality of predetermined processes comprising spooling image data, rasterizing spooled image data, printing, compressing image data, and expanding image data.” This feature is also not taught or suggested by Murahashi.

The recitation of “*executed* a predetermined combination” in claim 1 as submitted in the amendment dated December 31, 2008 is a typographical error and claim 1 has been amended to

recite "is executing a predetermined combination" instead. As such, the claimed "compression process execution condition" relates to what the processor is currently executing, as further indicated by the claimed "operating status," rather than what the processor already executed in the past. Murahashi's system initiates compression of data based on whether spooling or other similar processes have already been executed and not based on what processes the processor 14 is executing. Thus, Murahashi fails to teach or suggest this feature.

Accordingly, claim 1 is allowable. Claims 6 and 11 recites similar features as claim 1 and are similarly allowable. Claims 3-5, 8-10 and 13-15 are allowable for their respective dependencies on an allowable claim.

In view of the above, each of the claims in this application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **325772034000**.

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Respectfully submitted,

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